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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/521,172

01/14/2005

Emil Ackermann

ACKERMANN7

2853

1444

7590

05/19/2006

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EXAMINER

MAY, ROBERT J

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/521,172

Applicant(s)

ACKERMANN ET AL.

Examiner

Robert May

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/14/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2,4, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adeler in view of Rippin.

Regarding Claim 1, Adeler discloses in Figure 1, a flashlight in which a lighting element 1 is integrated into a housing 5 in which control electronics (3, 4) being a magnetic switch and magnet, and an energy store 2 that is rechargeable (Pg 1, line 6) and the housing is shown as a one piece cast part in the form of a monoblock in Figure 1. Adeler fails to disclose a light collector, however, Rippin discloses a flashlight having solar cells for charging the batteries (Col 1, lines 32-34) and furthermore, the solar cells are integrated into the handle grip for charging the batteries. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a flashlight as disclosed by Adeler and include the light collector of Rippin integrated into the body or handle as disclosed by Rippin for charging the batteries.

Regarding Claim 2, Adeler discloses, on Pg 2, lines 23-25, the housing containing a plastic material.

Regarding Claim 4, Adeler discloses in Figure 1, the housing being of a square design.

Regarding Claim 10, Adeler fails to disclose an infrared or ultraviolet sensor. However, Rippin discloses a flashlight utilizing a photovoltaic cell, which senses infrared radiation to produce a voltage to charge the batteries. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the rechargeable flashlight of Adeler with the photovoltaic sensor of Rippin so as to produce a voltage when the sensor senses infrared radiation to charge the batteries of Adeler.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adeler in view of Rippin as applied to claim 1 above, and further in view of Gallagher (US Pat 1,436,340). Adeler fails to disclose the housing surrounded by a hollow shell of metal, but Gallagher discloses a flashlight of a usual construction being a metal housing (Pg 1, lines 90-91) which is generally known in the art as a conventional sturdy material for flashlight housings for protecting the inner components of the flashlight. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the flashlight housing of Adeler with the hollow metal shell of Gallagher to protect the inner components of the flashlight.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adeler in view of Rippin as applied to claim 4 above, and further in view of Reynolds (US Pat

D389, 258). Adeler in view of Rippin fails to explicitly disclose the light collector extending over a substantial portion of the side face of the housing. However, Reynolds discloses a solar powered flashlight with a light collector (not labeled) clearly extending over a substantial portion of a side face of the housing as shown in Figures 3-4 in order to capture as much ambient light or radiation as possible. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have a light collector as taught by Gallagher extending throughout a substantial portion of a side face to collect as much available ambient light or radiation as possible.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adeler in view of Rippin as applied to claim 1 above, and further in view of Parsons (US Pat 6,190,018). Adeler fails to disclose the pocket flashlight as being a keyring pendant. However, Parsons discloses a flashlight adapted for being used as a keyring pendant or attachment (Col 5, lines 25-30) so that the flashlight can be quickly and easily retrieved and operated (Col 5, lines 40-43). Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the flashlight of Adeler with the keyring extension or pendant as taught by Parsons so that the flashlight can be easily retrieved and operated.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adeler in view of Rippin and Parsons as applied to claim 6 above, and further in view of Maglica (US Pat 4,864,474). Adeler in view of Rippin and Parsons fails to disclose the flashlight

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as recited in claim 6 with a looped cord having a first end and a first loop for fastening to the flashlight and a second end and a second loop for fastening through a hole in a key. Maglica however, discloses in Figure 10 a flashlight with a cord 99 with two loops for fastening the first loop to the flashlight and the second loop that can be attached through a through hole of a key so as to provide simultaneous illumination of a lock while holding the flashlight in one hand. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the pocket flashlight of Adeler with the cord of Maglica so as to provide simultaneous illumination of a lock while holding the flashlight in one hand.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adeler in view of Rippin as applied to claim 1 above, and further in view of Bebenroth. Adeler discloses the light source as being a light emitting diode (Page 2, line 18), but fails to explicitly disclose the diode as being a white diode. However, Bebenroth discloses a circuit arrangement for operating a lamp wherein the lamp is a white light emitting diode because white light emitting diodes can replace other lamps particularly in flashlights (Col 6, lines 9-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the light emitting diodes of Adeler with the white light emitting diodes of Bebenroth because white light emitting diodes are suitable replacements for other lamps particularly in flashlights.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adeler in view of Rippin as applied to claim 1 above, and further in view of Nishizawa (US Pat 4,831,504). Adeler fails to disclose the pocket light wherein a transmitter is arranged in the housing. Nishizawa however, discloses in Figures 10a,b,c, a key that transmits a light at a predetermined wavelength and wave form in order to coincide with a signal stored in the object having a lock function such as a door, a safe, a lock or the like (Col 6, lines 15-22) so that the lock can be engaged remotely. Therefore, it would have been obvious to one of ordinary skill at the time the invention was made to modify the pocket light of Adeler with the transmitter of Nishizawa so that a lock can be engaged remotely.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Uden (DE 4141270 A1) and Moreau (FR 2597537A) disclose a key, which emits infrared light for engaging a lock remotely.

Chun (D475, 149 S) discloses a solar powered flashlight.

Frost (US Pat 5,065,291) discloses a solar powered marking light wherein the light collector substantially files a lateral side of the apparatus.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert May whose telephone number is (571) 272-5919. The examiner can normally be reached between 9 am– 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval PAIR system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RM

5/9/06



RENEE LUEBKE
PRIMARY EXAMINER